

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**JUL 12 2018**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

THEODORE SAMPSON,

Petitioner,

vs.

JAMES SALMONSON,

Defendant.

CV 18-51-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations (Doc. 5) in this case on April 19, 2018, recommending dismissal of Petitioner Theodore Sampson's ("Sampson") petition for writ of habeas corpus under 28 U.S.C. § 2254. By failing to timely object to the Findings and Recommendations, Sampson waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch found, and this Court agrees, that that this matter should be dismissed because Sampson has not filed an individual petition for habeas corpus relief as directed. Sampson is precluded from filing his request for habeas relief en

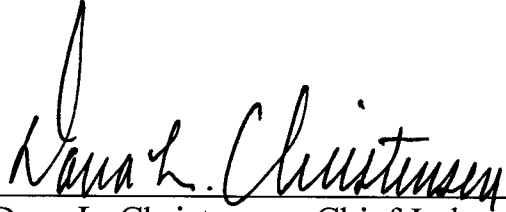
masse with other petitioners. Thus, his petition will be dismissed without prejudice.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 5) are ADOPTED IN FULL. Sampson's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 12<sup>th</sup> day of July, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court